

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1640 – SB 1689

January 29, 2016

**SUMMARY OF ORIGINAL BILL:** Authorizes a person to challenge the qualifications of a candidate for the office of Chief Administrative Officer of the Highway Department to the Tennessee Highway Officials Certification Board (HOCB) provided the challenge is filed in writing with the Board no later than 12:00 noon on the third day after the qualifying deadline. Sets forth requirements that the Board must follow when a challenge is filed. Creates a Class A misdemeanor punishable by fine only if an individual intentionally files a fraudulent challenge.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENT (011640):** Adds language to Section 1 of the bill to make the provisions of the original bill applicable to counties where the Chief Administrative Officer position is filled by popular election; to require that any challenge of the position in a county where the position is appointed to be filed by a deadline established by the local appointing authority; and to require the HOCB to provide notification to any disqualified candidate, for the position in counties where the position is appointed, and to the local appointing authority, prior to any appointment being made.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions for the bill as amended:

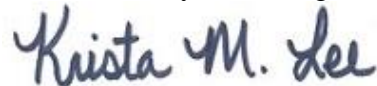
- The Tennessee Highway Officials Certification Board reviews the qualifications of candidates for the office of highway superintendent in counties in which the Uniform County Highway statute applies. Candidates must file affidavits with the Board listing their qualifications. The Board reviews the affidavits and issues certificates of approval that are filed with a candidate's county nominating petition for election.
- Currently, the Board hears challenges to candidates' qualifications if a challenge is filed prior to the candidates' qualifications review by the Board.

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- Based on information from the Secretary of State, allowing qualification challenges to be filed after the qualifying deadline may result in a maximum of one additional Board meeting for each qualifying deadline.
- According to the Secretary of State, Board members are not compensated; therefore, there is no fiscal impact to state government.
- There will not be a sufficient number of prosecutions for state or local government to experience any significant increase in revenue or expenditures.
- Based on information from the Secretary of State, changing the deadline and notification requirements for the candidates that the Board disqualifies will have no fiscal impact on state government.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "Krista M. Lee". The signature is written in a cursive, flowing style.

Krista M. Lee, Executive Director

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